

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ROBERT EARL ELLIS, #112146

PETITIONER

VERSUS

CIVIL ACTION NO. 3:08-cv-44-TSL-JCS

**COOPER MISSELLEY AND
STATE OF MISSISSIPPI**

RESPONDENTS

**ORDER GRANTING *IN FORMA PAUPERIS* STATUS AND
ORDERING RESPONDENT TO ANSWER**

This matter is before the court on application of petitioner Robert Earl Ellis seeking permission to proceed in forma pauperis for the purpose of filing this petition pursuant to 28 U.S.C. § 2254. This court, being fully advised in the premises and having examined the application and affidavits submitted, is of the opinion that said motion is well-taken and should be granted. It is, therefore,

ORDERED AND ADJUDGED that the petitioner's motion to proceed in forma pauperis is granted and the Clerk of Court is authorized and directed to receive and file the petition in the above-styled action without prepayment of fees or costs.

IT IS FURTHER ORDERED that the respondent, through Jim Hood, file an answer or other responsive pleading in this cause within 20 days of the service upon the said Jim Hood of a copy of this order. Respondent shall file with his answer or other responsive pleading full and complete transcripts of all proceedings in the state court of Mississippi arising from the charges of aggravated assault against petitioner in the Circuit Court of Holmes County, Mississippi.

IT IS FURTHER ORDERED that the Clerk of Court shall serve, by certified mail, a copy of the petition filed herein and of this order upon Jim Hood, Attorney General of the State of

Mississippi. The Clerk of Court shall also serve a copy of this order upon petitioner by mailing same to petitioner's last known address.

Petitioner is warned that his failure to timely comply with any order of this court or his failure to keep this court informed of his current address may result in the dismissal of this case.

SO ORDERED, this the 7th day of February, 2008.

s/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE